

Waverly Woods Development
Corporation,
Petitioner
ZB 1097M

* * * * *

* PLANNING BOARD OF
* HOWARD COUNTY, MARYLAND

MOTION: *To recommend approval of the Zoning Map Amendment petition request to rezone 17.628 acres from PEC to PSC, in accordance with the Department of Planning and Zoning recommendation.*

ACTION: *Recommended Approval; Vote 5 to 0.*

* * * * *

RECOMMENDATION

On March 1, 2012, the Planning Board of Howard County, Maryland, considered the petition of Waverly Woods Development Corporation for a Zoning Map Amendment to rezone the subject property from the PEC District to the PSC District for an Age-restricted Adult Housing Development with an amended Preliminary Development Plan ("PDP"). The subject property is located on the west side of Marriottsville Road generally to the north of Barnsley Way in the Third Election District, and is described as Tax Map 16, Grid 4, Parcel 249, Parcels B & C; 2200 Marriottsville Road (the "Property").

The petition and the Department of Planning and Zoning Technical Staff Report and Recommendation were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition based on findings that the petition meets the required criteria for rezoning under the PSC District.

The Petitioner was represented by Megan Reuwer, Esq. and Joseph Rutter. Ralph Ballman testified in support of the petition. No one testified in opposition to the petition.

Ms. Reuwer stated that the Technical Staff Report addressed the technical criteria necessary for the proposed rezoning. Mr. Rutter addressed the comment on page 5 of the Technical Staff Report regarding the apparent difference in the orientation of Barnsley Way near the entrance to the development between the original PDP and the amended PDP. He explained that Barnsley Way was originally planned to be more or less straight and to cross the gas pipeline but the County ultimately decided against a public road in that location. He said that road alignment was to have provide access to an office building on the PEC zoned Property but now that the office building will not be constructed, the road alignment has changed. Mr. Rutter said that a lot of open space was carefully planned for in the original PDP. In response to a question from a Board Member, Mr. Rutter said the overall density for Waverly Woods West is very low due mainly to setbacks from the landfill and is approximately one-third of the permitted density. A Board member asked if there isn't already an overabundance of age-restricted housing and Mr. Rutter responded that small age-restricted developments are not doing well but larger developments such

1 as Waverly Woods are selling extremely well because of the integrated site amenities such as swimming
2 pools, fitness rooms and the golf course.

3 A Board member expressed concern that there is a large concentration of age-restricted housing in
4 an area where there is not a lot of retail development which may cause people to have to drive to shopping
5 centers. Mr. Rutter said Waverly Woods comprises 1,700 units and this is only a portion of age-restricted
6 housing in the area. He said that hopefully with Turf Valley being nearby, the area will in the future
7 generate enough need to support transit service. He said it is a General Plan policy to designate growth on
8 both sides of I-70. A Board member asked about the process for revising or "unfloating" a property that has
9 been rezoned to PSC if the demand for age-restricted housing does not materialize. Mr. Rutter said that if
10 units remain vacant, up to 20 percent of units can be sold without the age restriction under Federal law if
11 the homeowner's association would agree to change covenants and the Zoning Regulations were amended
12 to allow this. A Board member asked if the former Waverly Woods project involved "dark skies lighting"
13 and Mr. Rutter said it was and the developers worked with DPW to keep lighting low throughout the
14 project.

15 Mr. Ballman testified that he believes the project is a cohesive fit with the existing surrounding
16 development and he does not think the land could practically be used for commercial purposes.

17 **Work Session Discussion:**

18 Board members agreed that their concerns about floodplain and density were addressed and that
19 although the petition initially appeared to be a major change on paper, it is in reality a minor adjustment to
20 the overall development. Board members agreed that the petition satisfies the necessary criteria for the
21 rezoning including the requirement for two types of housing when this portion of the project is viewed as a
22 cohesive part of the Waverly Woods development. Board members stated that the proposed development
23 makes sense and is a logical fit with the existing development.

24 **Motion:**


25 Josh Tzucker made a motion to approve the petition in accordance with the recommendation of the
26 Technical Staff Report to rezone the Property to PSC with an amended Preliminary Development Plan. Paul
27 Yelder seconded the motion.

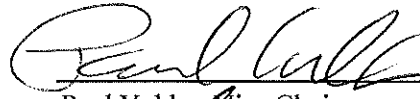
28 **Vote:**

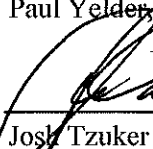
The motion for approval of the petition in accordance with the recommendation of the DPZ
Technical Staff Report to rezone the Property to PSC passed by a vote of 5 to 0.

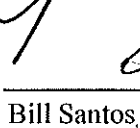
For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 9th day of
April, 2012, recommends that Zoning Board Case No. ZB 1097M, as described above, be **APPROVED**.

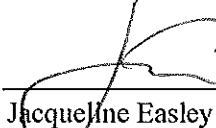
HOWARD COUNTY PLANNING BOARD


David Grabowski, Chairperson

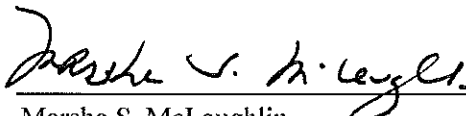

Paul Yelden, Vice Chairperson


Josh Tzucker


Bill Santos


Jacqueline Easley

ATTEST:


Marsha S. McLaughlin
Executive Secretary